

**Sisk, Richard**

**From:** Richard Sisk <Sisk.Richard@epamail.epa.gov>  
**Sent:** Friday, September 19, 2014 10:14 AM  
**To:** Sisk, Richard  
**Subject:** Fw: \*Confidential: Re: Fw: Omaha Lead UAOs? [Vasquez Boulevard/I-70 NPL Site]

Richard Sisk  
Attorney  
U.S. EPA Region 8  
ENF-L  
1595 Wynkoop  
Denver, CO 80202-1129

Phone: 303-312-6638  
Fax: 303-312-6409  
E-mail: sisk.richard@epa.gov

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----- Forwarded by Richard Sisk/R8/USEPA/US on 09/19/2014 10:14 AM -----

From: Bill Murray/R8/USEPA/US  
To: "Steve Wharton" <Wharton.Steve@epamail.epa.gov>, "Paula Schmittiel" <Schmittiel.Paula@epamail.epa.gov>, "Richard Sisk" <Sisk.Richard@epamail.epa.gov>  
Date: 08/14/2012 05:49 PM  
Subject: Fw: \*Confidential: Re: Fw: Omaha Lead UAOs? [Vasquez Boulevard/I-70 NPL Site]

Fyi

Robert Lausch

----- Original Message -----

**From:** Robert Lausch  
**Sent:** 08/14/2012 07:27 PM EDT  
**To:** Bill Murray  
**Cc:** Tracy Hopkins  
**Subject:** \*Confidential: Re: Fw: Omaha Lead UAOs? [Vasquez Boulevard/I-70 NPL Site]

Bill -

I appreciated R8's willingness to take the time to discuss the Vasquez Boulevard/I-70 NPL site yesterday. I'm glad that R8 is continuing to coordinate with OSRTI regarding IC-related issues at OU1.

I briefly spoke to Tracy Hopkins about this earlier today. She followed up by contacting James Miles of OSRE and he seems he would be willing to arrange a call to discuss access issues at this site. I also spoke to Doug Ammon about this situation very briefly earlier today. He seemed to think that progress made at Libby in attempting to best address access issues (unknown to me whether this involved access for sample collection, cleanup or both) should be helpful at Vasquez Boulevard/I-70. I'm thinking that experiences at Omaha Lead should also help us to decide the next steps to take.

It seems very clear to me that R8 has been making (and continues to make) all reasonable attempts to date when working with property owners to obtain access for sample collection and cleanup. Nevertheless, despite repeated efforts by R8, obtaining access on a voluntary basis may not be possible. From my standpoint, based on our conversations yesterday, the following scenarios are (or could be) in play:

- Issuance of UAOs at owner-occupied properties to allow sample collection.
- Issuance of UAOs at non-owner-occupied (rental) properties to allow sample collection.
- Issuance of UAOs at owner-occupied properties to allow cleanup.
- Issuance of UAOs at non-owner-occupied (rental) properties to allow cleanup.

A decision will need to be made regarding the approach taken to obtain property access. Regardless of the approach ultimately taken, in the case where samples are not collected at a particular property, then a decision needs to be made whether a "Notice of Environmental Conditions" will be put in place. My read is that R8 would not want to do this based on the circumstances at OU1 - and I can understand the logic. The same decision might also need to be made for properties where samples are collected and where cleanup is determined to be necessary but where cleanup does not occur because access was denied. My read is that R8 would be more willing to put a "Notice of Environmental Conditions" in place for the latter group of properties.

I definitely don't want to put words in anyone's mouth. These are just my thoughts and an attempt to frame the issues at hand - hopefully to determine the best path forward. Please share with others in R8 as you see fit. Please also feel free to correct me if I have accidentally misrepresented the situation at OU1. Thanks much.

- Drew

Drew Lausch  
U.S. Environmental Protection Agency  
Office of Superfund Remediation and Technology Innovation  
Site Assessment and Remedy Decisions Branch (5204P)  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460  
703-603-0721 (office phone) & 610-269-6807 (home phone)  
lausch.robert@epa.gov

Bill Murray---08/13/2012 06:01:01 PM---fyi Bill Murray, Director

From: Bill Murray/R8/USEPA/US  
To: Robert Lausch/R3/USEPA/US@EPA  
Date: 08/13/2012 06:01 PM  
Subject: Fw: Omaha Lead UAOs?

fyi

Bill Murray, Director  
Superfund Remedial Program  
EPA Region 8  
(303)312-6401

----- Forwarded by Bill Murray/R8/USEPA/US on 08/13/2012 04:00 PM -----

From: Richard Sisk/R8/USEPA/US  
To: Steve Wharton/R8/USEPA/US@EPA  
Cc: Bill Murray/R8/USEPA/US@EPA, Joe Vranka/MO/R8/USEPA/US@EPA, Paula Schmittiel/R8/USEPA/US@EPA, Stanley Christensen/R8/USEPA/US@EPA  
Date: 08/13/2012 03:54 PM  
Subject: Re: Fw: Omaha Lead UAOs?

I have copies of several of the UAOs the Region 7 issued.

Richard Sisk  
Attorney  
U.S. EPA Region 8  
ENF-L  
1595 Wynkoop

Denver, CO 80202-1129

Phone: 303-312-6638

Fax: 303-312-6409

E-mail: sisk.richard@epa.gov

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Steve Wharton---08/13/2012 03:30:39 PM---Bill, It appears R7 has created at least a limited precedent for issuing UAOs on residential property

From: Steve Wharton/R8/USEPA/US

To: Bill Murray/R8/USEPA/US@EPA

Cc: Richard Sisk/R8/USEPA/US@EPA, Paula Schmittlieb/R8/USEPA/US@EPA, Joe Vranka/MO/R8/USEPA/US@EPA, Stanley

Christensen/R8/USEPA/US@EPA

Date: 08/13/2012 03:30 PM

Subject: Fw: Omaha Lead UAOs?

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Bill, It appears R7 has created at least a limited precedent for issuing UAOs on residential properties.

Steve

----- Forwarded by Steve Wharton/R8/USEPA/US on 08/13/2012 03:27 PM -----

From: Gene Gunn/R7/USEPA/US

To: Steve Wharton/R8/USEPA/US@EPA

Cc: "Dave Drake" <Drake.Dave@epamail.epa.gov>

Date: 08/13/2012 02:47 PM

Subject: Re: Omaha Lead UAOs?

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Steve,

We have only done landlords this far. Decision on individuals is pending.

Dave Drake can give more on recent.

Gene

Sent by EPA Wireless E-Mail Services

Steve Wharton

----- Original Message -----

From: Steve Wharton

Sent: 08/13/2012 02:28 PM MDT

To: Gene Gunn

Cc: Bill Murray

Subject: Omaha Lead UAOs?

Hi Gene, Hope all is well in R7.

During a recent meeting regarding Institutional Controls in Libby, MT, two representatives from OSRE, Mike Healey and James Miles, stated that Region 7 had issued UAOs for access on residential properties at the Omaha Lead Site. Is this

accurate? We have a site in Denver where we are considering issuing UAOs for access for sampling, at only those properties that are not owner-occupied (i.e., rental properties).

Thanks much,  
Steve